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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,219	08/28/2003	Robert Sesek	200206922-1	7112

22879 7590 12/02/2008

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EXAMINER	
LAM, HUNG H	
ART UNIT	**PAPER NUMBER**
2622	

NOTIFICATION DATE	DELIVERY MODE
12/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/650,219	SESEK ET AL.	
	Examiner	Art Unit	
	HUNG H. LAM	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,6,9,12 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 5-6, 9, 12 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08/28/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 07/28/08, have been entered and made of record. Claims 3-4, 7-8, 10-11, 13 and 15-21 are canceled. Claims 1, 2, 5-6, 9,12 and 14 are pending.

Response to Arguments

2. Applicant's arguments see Amendment (Remarks), page 8, filed 07/28/08, with respect to the rejection(s) of claim(s) 1, 2, 5-6, 9,12 and 14 have been fully considered but they are not persuasive.

The Applicants have canceled the limitations in dependent claims 4 and 7 and incorporated the same and/or similar limitations into independent claims 1 and 12. The Applicants then argue that the combination of Ball and/or Cazier fails to disclose the limitations of independent claims 1, 9 and 12 because " Cazier does not teach what Ball lacks and does not associate captured data with a physical description of the subject of the captured image. As seen in Fig. 1 and Fig. 2 of Cazier, the information that Cazier associates with, is with the image itself and based on longitude and latitude 102 of the digital camera, determined by a GPS device. As a result, Ball does not anticipate the independent claims 1 nor 9 in view of Cazier, because Ball does not disclose associating captured data with a physical description of the subject of the captured image and the description in Cazier is limited to location names 104 and the location of

the digital camera, as opposed to the location of the object and physical information of the object within the image, as in the present invention. "

The Examiner respectfully disagrees. The Examiner has relied upon Ball reference to teach a camera for capturing and detecting a position/range of an object of a captured image (Fig. 5; Col. 7, Ln. 43-Col. 10, Ln. 38). The Examiner has relied upon Cazier to teach a camera system which embeds a particular longitude, latitude coordinate or a corresponding location, place name of the particular longitude and latitude coordinate of a captured image as images' names or directories. Thus captured images are associated with locations name such that Hawaii/Maui/East Beach.jpg; Hawaii/Kauai/Waimea Canyon.jpg; Empire State building facing West.jpg or Empire State building facing North West.jpg (Fig. 1; 104; Col.2, Ln. 1-Col. 3, Ln. 65; location names are interpreted as physical description of the subject). The physical location names or description of the subject associated with the captured images may be closed approximate location information/names to the object./subject of captured images. However, the combination of Ball and Cazier still read on the limitations of independent claims 1, 9 and 12 because the claims language do not specifically requires to "associate the captured image data with physical description of the exact location name of the subject/object of the captured image."

Further more, Ball teaches a camera determining the position and range of the object of a captured image (Col. 7, Ln. 43-Col. 10, Ln. 38) while Cazier teaches a camera having database for converting position information to location name information (Col.2, Ln. 1-Col. 3, Ln. 65). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify the device of Ball and Cazier to convert the exact location information of an object within the captured image into a place name in order to associate the captured image with a more precise / exact location information of the object within the captured image.

The Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Objections

Claims 1, 9 and 12 are objected to because of the following informalities:

Regarding claims 1 and 9, the claim should be changed to read as "…associating captured data with a physical description of ~~the~~ a subject or the object of the captured image."

Regarding claim 12, the claim should be changed to read as "a physical information of ~~the~~ a subject or the object of the captured image." Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 5-6, 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball in view of Cazier (US-6,657,661).

With regarding **claim 1**, Ball discloses a method of capturing photographic image information, comprising:

providing a camera with a global positioning system receiver (Col. 2, Ln. 34-43; Col. 12, Ln. 51-63);

capturing an image with the camera(Figs. 5; 7; camera system 100; CCD 130);

determining a position of an object of the captured image (Fig. 5; Col. 7, Ln. 43-Col. 8, Ln. 64); and

storing data indicative of the position of the object of the captured image with the image (Col. 10, Ln. 28-37; Col. 14, Ln. 63-Col. 15, Ln. 15).

obtaining global position coordinates of the camera(Col. 12, Ln. 51-63);

obtaining a range from the camera to the object (abstract; Col. 8, Ln. 40-Col. 11, Ln. 61);

obtaining a magnetic bearing of the object (Col. 12, Ln. 63-Col. 13, Ln. 3:); and

calculating the position of the object of the captured image by translating only the range, magnetic bearing and the global position coordinates to provide coordinates of the object (see Figs. 6-11; Col. 2, Ln. 34-43; Col. 10, Ln.28-58; Col. 13, Ln. 4-29).

However, Ball fails to explicitly disclose the method and further comprising: associating captured data with a physical description of the subject of the captured image.

In the same field of endeavor, Cazier teaches a camera system which converting a longitude and latitude coordinate of a captured image to place name information for providing more user friendly information to a user (Fig. 1; 104; Col.2, Ln. 1-27). Cazier teaches that the place name information may be embedded/ associated with the captured image as file names or directories of the captured image in order to help a user to remember where the filed was created (Col. 2, Ln. 27-Col. 3, Ln. 65). In light of the teaching from Cazier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ball to include a place name information converting means in order to associate place name with the name or path of a captured image. The modifications thus provide more meaningful information to a file name or path and remind a user where the image was created (Cazier: Col. 2, Ln. 1-27).

With regarding **claim 2**, Ball in view of Cazier discloses the method wherein the image is digital (Ball: Col. 2, Ln. 14-65; Col. 4, Ln. 65-Col. 5, Ln. 35).

With regarding **claim 5**, Ball in view of Cazier discloses the method wherein associating captured data with a physical description of the subject of the captured image comprises:

comparing the coordinates of the object of the photograph to a set of known coordinates (Ball teach the coordinates of the object of the photograph: abstract; see Figs. 6-11; Col. 2, Ln. 34-43; Col. 10, Ln.28-58; Col. 13, Ln. 4-29; Cazier: Col. 2, Ln. 27-Col. 3, Ln. 65); and

embedding with the captured data textual information about objects having known coordinates corresponding to the coordinates of the object (Cazier: Col. 2, Ln. 27-Col. 4, Ln. 15).

With regarding **claim 6**, Ball in view of Cazier discloses the method wherein embedding further comprises retrieving textual information about the object at the known coordinates (Cazier: Col. 2, Ln. 27-Col. 4, Ln. 15).

With regarding **claim 9**, Ball discloses a method of capturing photographic image information, comprising:

providing a camera with a global positioning system receiver (Col. 2, Ln. 34-43; Col. 12, Ln. 51-63);

capturing an image with the camera (Figs. 5; 7; camera system 100; CCD 130);

obtaining global position coordinates of the camera (Col. 12, Ln. 51-63);

obtaining a range from the camera to the object (abstract; Col. 8, Ln. 40-Col. 11, Ln. 61);

obtaining a magnetic bearing of the object (Col. 12, Ln. 63-Col. 13, Ln. 3);

calculating the position of the object of the captured image by translating only the range, magnetic bearing and the global position coordinates to provide coordinates of the object (see Figs. 6-11; Col. 2, Ln. 34-43; Col. 10, Ln.28-58; Col. 13, Ln. 4-29);

storing data indicative of the position of the object of the captured image with the image (Col. 10, Ln. 28-37; Col. 14, Ln. 63-Col. 15, Ln. 15); and

However, Ball fails to disclose associating captured data with a physical description of the subject of the captured image.

In the same field of endeavor, Cazier teaches a camera system which converting a longitude and latitude coordinate of a captured image to place name information for providing more user friendly information to a user (Fig. 1; 104; Col.2, Ln. 1-27). Cazier teaches that the place name information may be embedded/ associated with the captured image as file names or directories of the captured image in order to help a user to remember where the filed was created (Col. 2, Ln. 27-Col. 3, Ln. 65). In light of the teaching from Cazier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ball to include a place name information converting means in order to associate place name with the name or path of a captured image. The modifications thus provide more meaningful information to a file name or path and remind a user where the image was created (Cazier: Col. 2, Ln. 1-27).

With regarding **claim 12**, Ball discloses a camera, comprising:

a processor (Col. 4,Ln. 56-Col.5, Ln. 20);

an image data capture module connected to the processor (Col. 4, Ln. 56-Col.5, Ln. 20), the image data capture module to capture image data corresponding to a position of an object of a photograph taken by the camera (abstract; Col. 4, Ln. 56-67), the image data capture module comprising a global positioning system to record coordinate of the camera when a photographing is taken (Col. 12, Ln. 51-63), a range finder to record a range to the object of the photograph when the photograph is taken (abstract; Col. 8, Ln. 40-Col. 11, Ln. 61) and a compass to record a magnetic bearing of the object of the photograph when the photograph is taken (Col. 12, Ln. 63-Col. 13, Ln. 3); and

a storage element connected to the processor for storing images and captured image data (Col. 10, Ln. 28-37; Col. 14, Ln. 63-Col. 15, Ln. 15).

However, Ball fails to disclose a camera comprising a physical information of the subject of the captured image.

In the same field of endeavor, Cazier teaches a camera system which converting a longitude and latitude coordinate of a captured image to place name information for providing more user friendly information to a user (Fig. 1; 104; Col.2, Ln. 1-27). Cazier teaches that the place name information may be embedded/ associated with the captured image as file names or directories of the captured image in order to help a user to remember where the filed was created (Col. 2, Ln. 27-Col. 3, Ln. 65). In light of

the teaching from Cazier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ball to include a place name information converting means in order to associate place name with the name or path of a captured image. The modifications thus provide more meaningful information to a file name or path and remind a user where the image was created (Cazier: Col. 2, Ln. 1-27).

With regarding **claim 14**, Ball in view of Cazier discloses wherein the image data capture module further comprises: an inclinometer to record an inclination with respect to level of the camera when a photograph is taken (Ball: Col. 12, Ln. 63 -Col. 13, Ln. 16).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG H. LAM whose telephone number is (571)272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HL
11/20/08

/Sinh Tran/
Supervisory Patent Examiner, Art Unit 2622